



December 20, 2000

Michael Courtney
Acting Deputy Director
Real Estate Services
1102 Q Street
Sacramento, CA 95814

Re: Dedication of Fee Title to State by Eli Broad Trust, et al.

Dear Mr. Courtney:

On May 2, 2000, we requested your review of a proposed transaction for the above-entitled dedication. Due to quiet title litigation between the dedicators and a third party, we asked that you approve the dedication but not indicate your approval on the proposed grant deed until the quiet title litigation had been settled.

Enclosed please find correspondence from Andrew Cushnir, counsel for the dedicators, and a copy of the expungement documentation for the quiet title action, indicating that this litigation has been settled.

You should have in your possession or should receive shortly a proposed grant deed from Mr. Cushnir. Please review this grant deed, provide us with your comments, if any, or indicate your approval to us, but do not yet execute your approval on the grant deed itself. Please await further instruction from us to execute your approval on the grant deed.

Unfortunately, in addition to the quiet title action, the La Costa Beach Homeowners' Association sued both the Conservancy and the Coastal Commission regarding the dedication. The Conservancy's litigation was stayed until the Coastal Commission's litigation is resolved. The next court date for the Coastal Commission's litigation is scheduled for the end of February 2001.

Please contact me directly at (510) 286-4089 with your questions or comments on the proposed grant deed.

Sincerely,

Elena Eger
Staff Counsel

Cc: Andrew Cushnir, Broad, Gamma and Daly Trusts

1330 Broadway, 11th Floor
Oakland, California 94612-2530
510-286-1015 Fax: 510-286-0470

ANDREW A. CUSHNIR, ESQ.

One SunAmerica Center
Century City
Los Angeles, CA 90067
(310) 772-6416

November 17, 2000

Elena Eger, Esq.
California Coastal Conservancy
1330 Broadway, 11th Floor
Oakland, CA 94612-2530

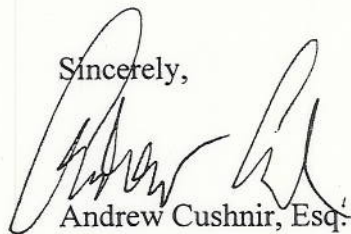
**Re: Documentation of Expungement of Lis Pendens for
Mitigation Property (the "Property")**

Dear Elena:

As you requested, I have enclosed a copy of the expungement documentation. As we discussed, the litigation upon which the lis pendens was based has been settled. The only outstanding issues which presumably must be resolved prior to the transfer of the Property to the California Coastal Conservancy relate to the litigation against the Conservancy and the Coastal Commission.

Please let me know if you have any further questions or would like any further documentation. Thank you.

Sincerely,



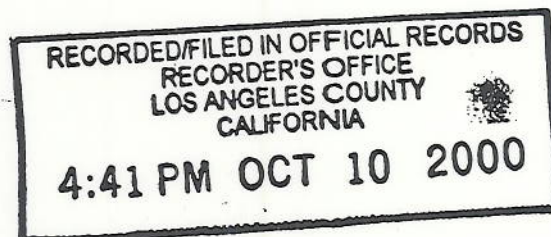
Andrew Cushnir, Esq.

Enclosure



LEAD SHEET

00-1586213



SPACE ABOVE THIS LINE FOR RECORDERS USE

TITLE(S)

FEE

FEE \$22	N
DAF \$2	
C-20	6

D.T.T.

CODE
20

CODE
19

CODE
9

Assessor's Identification Number (AIN)

To Be Completed By Examiner OR Title Company In Black Ink

Number of Parcels Shown

ORIGINAL

00-1586213

Recording Requested By

When Recorded Mail To:

O'Melveny & Myers LLP
1999 Avenue of the Stars
Suite 700
Los Angeles, CA 90067
Attention: Peter C. Kelley, Esq.

ORDER EXPUNGING NOTICE OF PENDENCY OF
ACTION (LIS PENDENS) UNDER C.C.P. § 405.31

RECEIVED
SEP 01 2000

ORIGINAL FILED

SEP 20 2000

LOS ANGELES
SUPERIOR COURT

1 ROBERT M. SCHWARTZ (S.B. #117166)
2 JEFFREY A. BARKER (S.B. #166327)
3 O'MELVENY & MYERS LLP
1999 Avenue of the Stars, Seventh Floor
Los Angeles, California 90067-6035
Telephone: (310) 553-6700
4 Facsimile: (310) 246-6779

5 Attorneys for Defendants
Richard J. Riordan, Eli Broad, Nancy M. Daly, Matthew G.
6 Krane, and Samuel N. Fischer (erroneously sued as Samuel
N. Fletcher)
7
8

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF LOS ANGELES
11

12 JEFF GREENE, an individual,

13 Plaintiff,

14 v.

15 RICHARD J. RIORDAN, an individual,
16 ELI BROAD, individually and as
Trustee of the Eli Broad Revocable Trust
dated 8/21/98, NANCY M. DALY,
17 individually and as Trustee of the Nancy
M. Daly Living Trust dated 5/23/97,
18 MATTHEW G. KRANE, individually
and as Trustee of the Gamma Family
19 Trust dated 10/30/97, SAMUEL N.
FLETCHER, individually and as Trustee
20 of the Gamma Family Trust dated
10/30/97, and DOES 1 through 50,
21 inclusive,

22 Defendants.
23

Case No. BC 229033

Hon. Marlene A. Kristovich – Dep't. 18

[PROPOSED] ORDER EXPUNGING
NOTICE OF PENDENCY OF ACTION
(LIS PENDENS) UNDER C.C.P. §
405.31

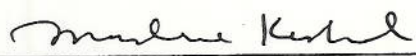
24 The motion of defendants Eli Broad, Nancy M. Daly, Matthew G. Krane, and
25 Samuel N. Fischer for an order expunging the notice of pendency of action filed against
26 their property and for attorneys' fees and costs was heard on September 1, 2000 in
27 Department 18 of the above-entitled Court before the Honorable Marlene A. Kristovich.
28 Jeffrey A. Barker of O'Melveny & Myers LLP appeared on behalf of defendants and

1 moving parties, and John G. Burgee of Burgee & Abramoff appeared on behalf of plaintiff
2 and opposing party Jeff Greene.

3 The Court, having considered the pleadings, the evidence, and the points and
4 authorities in support of and in opposition to the motion, and having heard argument from
5 counsel, finds that the motion should be granted and that the certain notice of pendency of
6 action recorded on or about April 28, 2000 in the office of the County Registrar-Recorder
7 of Los Angeles County as instrument no. 00-0649876 concerning Assessor's Parcel No.
8 4451-003-033 and filed in the above-captioned action (the "Lis Pendens") should be
9 expunged on the ground that the within action does not affect title to or possession of
10 specific real property. *which is described herein in ExA attached*
hereto and incorporated by reference -

11 IT IS THEREFORE ORDERED THAT, pursuant to Code of Civil Procedure
12 section 405.31, the Lis Pendens (as defined above) is hereby expunged. Defendants'
13 request for attorneys' fees and costs is denied on the grounds that Plaintiff acted with
14 substantial justification.


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16
17 DATED: September ²⁰ __, 2000


Hon. Marlene Kristovich
Judge of the Superior Court

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20 Respectfully submitted,

21 Dated: September 1, 2000

ROBERT M. SCHWARTZ
JEFFREY A. BARKER
O'MELVENY & MYERS LLP

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24 By 
Jeffrey A. Barker
Attorneys for Defendants
Richard J. Riordan, Eli Broad, Nancy M.
26 Daly, Matthew G. Krane, and Samuel N.
27 Fischer (erroneously sued as Samuel N.
Fletcher)

28 CCI:474179.2

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN IS SITUATED IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

BEING A PORTION OF THAT PORTION OF RANCHO TOPANGA MALIBU SEQUIT, IN THE CITY OF MALIBU, AS CONFIRMED TO MATTHEW KELLER, BY PATENT RECORDED IN BOOK 1 PAGE 407, ET SEQ., OF PATENTS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, BEING DESCRIBED AS FOLLOWS:

BEGINNING AT ENGINEERS CENTER LINE STATION 1069 PLUS 63.96 FEET OF THAT CERTAIN CENTER LINE COURSE OF THE 80 FOOT STRIP OF LAND DESCRIBED IN DEED FROM T. R. CADWALADER, ET AL, TO THE STATE OF CALIFORNIA, RECORDED IN BOOK 15228 PAGE 342, OFFICIAL RECORDS; SAID 80 FOOT STRIP ALSO BEING SHOWN AS PACIFIC COAST HIGHWAY ON COUNTY SURVEYOR'S MAP NO. 8658, AS FILED IN THE OFFICE OF THE COUNTY ENGINEER OF SAID COUNTY; THENCE NORTH 77° 25' 30" EAST, 50.02 FEET; THENCE AT RIGHT ANGLES, 40.10 FEET MORE OR LESS TO THE SOUTH LINE OF SAID 80 FOOT STRIP; THENCE SOUTH 13° 18' 45" EAST 133.00 FEET MORE OR LESS TO THE MEAN HIGH TIDE LINE; THENCE WESTERLY ALONG SAID MEAN HIGH TIDE LINE TO THE INTERSECTION OF THAT CERTAIN COURSE SHOWN AS SOUTH 12° 24' 34" EAST AS SHOWN ON SAID COUNTY SURVEYOR'S MAP NO. 8658 PASSING THROUGH THE POINT OF BEGINNING; THENCE NORTH 12° 24' 34" WEST IN A DIRECT LINE TO THE POINT OF BEGINNING.

INCLUDING THAT PORTION LYING 30.00 FEET WESTERLY, MEASURED AT RIGHT ANGLES FROM SAID COURSE SHOWN AS SOUTH 12° 24' 34" EAST ON SAID COUNTY SURVEYOR'S MAP NO. 8658.

EXCEPT THAT PORTION LYING WITHIN SAID PACIFIC COAST HIGHWAY.

EXCEPT ALL WATER, MINERALS, OIL, PETROLEUM, ASPHALTUM, GAS, COAL AND OTHER HYDROCARBON SUBSTANCES IN, ON, WITHIN AND UNDER AND THAT MAY BE PRODUCED FROM SAID LANDS, AND EVERY PART THEREOF, PROVIDED, HOWEVER, THAT THIS EXCEPTION SHALL NEITHER RESERVE NOR SHALL IT BE CONSTRUCTED AS RESERVING UNTO GRANTOR THE RIGHT TO GO UPON THE SURFACE OF SAID LANDS TO EXTRACT SAID SUBSTANCES, BUT THERE IS EXPRESSLY RESERVED UNTO GRANTOR, ITS SUCCESSORS AND ASSIGNS, THE SOLE AND EXCLUSIVE RIGHT TO DRILL INTO, UNDER, ACROSS AND THROUGH SAID LANDS AT DEPTHS BELOW 500 FEET FROM THE SURFACE OF SAID LANDS FOR THE PURPOSE OF TAKING, RECOVERING AND REMOVING SAID SUBSTANCES IN, ON, WITHIN, UNDER AND THAT MAY BE PRODUCED FROM SAID LANDS, AND EVERY PART THEREOF, AND IN, ON, WITHIN, UNDER AND THAT MAY BE PRODUCED FROM ANY OTHER LAND IN THE AREA, AS RESERVED IN A DEED RECORDED DECEMBER 9, 1977 AS INSTRUMENT NO. 77-1359913.

ALSO EXCEPT THEREFROM THOSE PORTIONS OF SAID LAND, ALL MINERALS, OIL, PETROLEUM, ASPHALTUM, GAS, COAL, OTHER MINERAL AND HYDROCARBON SUBSTANCES AND WATER LYING IN, ON, WITHIN, UNDER AND THAT MAY BE PRODUCED OR EXTRACTED FROM SAID PROPERTY AND EVERY PART THEREOF; PROVIDED, HOWEVER, THAT THIS EXCEPTION SHALL NEITHER RESERVE THE RIGHT TO GO UPON THE SURFACE OR WITHIN THE UPPER 500 FEET MEASURED VERTICALLY DOWNWARD FROM THE SURFACE OF SAID PROPERTY, BUT THERE IS EXPRESS RIGHT TO DRILL INTO, UNDER, ACROSS AND THROUGH SAID PROPERTY AT DEPTHS BELOW 500 FEET FROM THE SURFACE FOR THE PURPOSE OF TAKING, RECOVERING AND REMOVING SAID SUBSTANCES IN, ON, WITHIN, UNDER AND THAT MAY BE PRODUCED OR EXTRACTED FROM SAID PROPERTY, EVERY PART THEREOF AND ANY OTHER PROPERTY IN THE AREA, AS RESERVED IN DEED RECORDED DECEMBER 21, 1969 AS INSTRUMENT NO. 89-2051124.

1
2 **CERTIFICATE OF SERVICE BY HAND DELIVERY TO A MESSENGER**

3 I, Mark Frank, hereby certify as follows:

4 I am a citizen of the United States and employed in Los Angeles County,
5 California. I am over the age of eighteen years and not a party to the within-entitled
6 action. My business address is 1999 Avenue of the Stars, Seventh Floor, Los Angeles,
7 CA 90067-6035. On September 1, 2000, I personally handed to the messenger of First
8 Courier, a sealed envelope to serve the following document:


9 **[PROPOSED] ORDER EXPUNGING NOTICE OF PENDENCY OF**
10 **ACTION (LIS PENDENS) UNDER C.C.P. § 405.31**

11 and said messenger personally delivered a copy to:

12 **John G. Burgee, Esq.**
13 **Burgess & Abramoff, P.C.**
14 **16133 Ventura Blvd., Ste. 1145**
Encino, CA 91436

15 I declare under penalty of perjury under the laws of the State of California
16 that the above is true and correct.

17 Executed on September 1, 2000, at Los Angeles, California.

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Mark Frank

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PROOF OF SERVICE

I, RENE CORTEZ, declare:

I am a resident of the State of California and over the age of eighteen years, and not a party to the within action; my business address is First Courier, 1511 West Beverly Boulevard, Los Angeles, CA 90026. On September 1, 2000, I served the within documents:

[PROPOSED] ORDER EXPUNGING NOTICE OF PENDENCY OF ACTION (LIS PENDENS) UNDER C.C.P. § 405.31

- ☐ by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
- ☐ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California addressed as set forth below.
- ☐ by placing the document(s) listed above in a sealed envelope and affixing a pre-paid air bill, and causing the envelope to be delivered to a _____ agent for delivery
- ☒ by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.

**John G. Burgee, Esq.
Burgess & Abramoff, P.C.
16133 Ventura Blvd., Ste. 1145
Encino, CA 91436**

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on September 1, 2000, at Los Angeles, California.

Rene Cortez
Messenger